

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

PAUL R. THOMAS,)	
Plaintiff)	
)	
v.)	C.A. NO. 10-cv-30124-MAP
)	
PLANET FITNESS,)	
Defendant)	

MEMORANDUM AND ORDER RE:
REPORT AND RECOMMENDATION FOR SUMMARY DISMISSAL
PURSUANT TO 28 U.S.C. § 1915(e)(2)
(Dkt. No. 4)

July 20, 2010

PONSOR, D.J.

Plaintiff, proceeding pro se, filed a document that purported to be a complaint against Defendant Planet Fitness, making allegations that referred to an act of trespass and the apparent existence of a contractual relationship. The matter was referred to Magistrate Judge Kenneth P. Neiman for review of Plaintiff's application to proceed in forma pauperis and for pretrial screening.

Judge Neiman allowed the Motion to proceed in forma pauperis, but on June 18, 2010, issued his Report and Recommendation, to the effect that the complaint should be dismissed as frivolous and as failing to state a claim upon which relief might be granted. The Recommendation notes that there appears to be no basis for jurisdiction; both

parties are residents of Massachusetts. Moreover, it notes that the complaint's allegations are too vague to state a claim.

The conclusion of the Report and Recommendation admonished Plaintiff at n.1 that objections to the Report and Recommendation had to be filed within fourteen days. No objection was filed.

Having reviewed the Report and Recommendation, de novo, the court finds that, based upon the merits of the Recommendation and the failure of Plaintiff to object, the complaint must be dismissed.

For the foregoing reasons, the court hereby ADOPTS Judge Neiman's Report and Recommendation (Dkt. No. 4). Based upon this, the complaint is ordered DISMISSED. This case may now be closed.

It is So Ordered.

/s/ Michael A. Ponsor
MICHAEL A. PONSOR
U. S. District Judge